

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Mr. Sam Dow
Ponderosa Solid Waste
32088 Auberry Road
Auberry, California 93626

ID No. CAL000299385

Respondent.

Docket No. HWCA 20061099

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Ponderosa Solid Waste (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates and handles hazardous waste at 32088 Auberry Road, Auberry, CA, 93626 (Site).
2. The Department inspected the Site on January 20, 2006.
3. The Department alleges the following violation:
 - 3.1 Respondent violated the California Code of Regulations, title 22, section 66263.17, in that on or about October 10, 2005, Respondent transported a small quantity (approximately 15 gallons) of waste oil and used oil filters, on a one time basis, without having received a Registration Certificate from the Department.
4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
5. Jurisdiction exists pursuant to Health and Safety Code section 25187.
6. Respondent waives any right to a hearing in this matter.
7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.
8. Respondent admits the violation as alleged.

SCHEDULE FOR COMPLIANCE

9. Respondent shall comply with the following:

9.1 Effective immediately, Respondent shall not transport hazardous wastes without first receiving a registration certificate from the Department.

9.2. California Compliance School: Respondent shall successfully complete the following modules at the California Compliance School:

Module I- Hazardous Waste Identification and Overview

Module II- Onsite Management Requirements (Tanks and Containers)

Module III- Preparedness, Prevention and Training

Respondent shall attend, successfully complete all three (3) modules, and submit a legible copy of Respondent's Certificate of Satisfactory Completion from the California Compliance School to the Department within three hundred sixty-five (365) days of the effective date of this Consent Order.

9.3 Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.4 Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Ms. Charlene Williams, Chief
Northern California Branch
Statewide Compliance Division
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Mr. Dale E. Hoverman, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1515 Tollhouse Road.
Clovis, California 93611

Mr. Tim Casagrande, Director
County Environmental Health
Fresno County Department of Community Health
Office of Emergency Services
P.O. Box 11867
Fresno, California 93775

PAYMENTS AND CREDITS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total sum of one thousand five hundred dollars (\$1,500) of which five hundred dollars (\$500.00) is a penalty payable to the Department and one thousand dollars (\$1,000) is a penalty which may be reduced by credits. Respondent's check shall be made payable to Department of Toxic Substances Control and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To:

Ms. Charlene Williams, Chief
Northern California Branch
Statewide Compliance Division
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Mr. Dale E. Hoverman, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1515 Tollhouse Rd.
Clovis, California 93611

Mr. James Grace, Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

10.1 California Compliance School Penalty Credit: The penalty amount of one thousand five hundred dollars (\$1,500) shall be reduced by one thousand dollars (\$1,000), conditioned upon the Respondent's completion of the requirements of Paragraph 9.2 within three hundred sixty-five (365) days of the effective date of this Consent Order. If the Respondent fails to complete the requirements of Paragraph 9.2 within the prescribed time, the penalty amount of one thousand dollars (\$1,000) shall be due and payable within thirty (30) days after the three hundred sixty-five (365) day period expires.

OTHER PROVISIONS

11. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.2. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.3. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: August 15, 2006 Original signed by Fred Dow
Signature of Respondent's Representative

Dated: _____ Fred Dow, Owner
Typed or Printed Name and Title of
Respondent's Representative

Dated: August 21, 2006 Original signed by Larry Ramirez
Larry Ramirez
Senior Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substances Control